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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/505,646  | 02/16/2000  | Scott C. Harris      | 10824/011001        | 7376             |
| 23844   | 7590        | 11/02/2004           | EXAMINER            |                  |
| SCOTT C HARRIS<br>P O BOX 927649<br>SAN DIEGO, CA 92192 |             |                      | NGUYEN, CAO H       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2173                |                  |
| DATE MAILED: 11/02/2004                                 |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/505,646

Applicant(s)

HARRIS, SCOTT C.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004. 2nd
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 85-107, 116-119 and 121-124 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85-107, 116-119 and 121-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 85-90, 96-107 and 116-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daneels in view of Robertson et al. (US Patent No. 6,489,895).

Regarding claim 85, Robertson discloses a method, comprising in a sever of a network, storing a plurality of images representing pages of a book said images stored with a resolution effective to enable said book to be read (see col. 4, lines 1-61); responsive to a request over the network, sending one of said images to a remote node (see col. 7, lines 1-33); however, Robertson fails to explicitly teach determining the request for pages exceeds a certain threshold, and sending said information only if said threshold is not exceeded.

Daneels teaches determining the request for pages exceeds a certain threshold, and sending said information only if said threshold is not exceeded (see col. 3-4, lines 1-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide determining the request for pages exceeds a certain threshold, and sending said information only if said threshold is not exceeded as taught by Daneels to the WebBook of Robertson in order to enhance a user friendly and enabling users to download a limited book page over the network.

Regarding claim 86, Robertson discloses wherein said images are classified according to whether they count towards said threshold. and incrementing a counter only when an image lat counts towards said threshold is requested (see col. 2, lines 23-67).

Regarding claims 87-90, Robertson discloses wherein said determining comprises storing information indicative of an amount of reading into a computer file; and wherein said computer file is a cookie (see figures 1-2).

Claim 96, differs from claim 85 in that “information about which of a specified plurality of images to be displayed, each of specified plurality of images showing textual information and at least a plurality of said images showing non-textual information, said textual. information representative of contents of a book; displaying said images responsive to said requests; displaying a screen tip, indicating what the reaction will be to a specified operation (see col. 7, lines 41-60) which read on Robertson.

Regarding claim 97, Robertson discloses commanding an opening of the book to see an inside of the book (see figures 3-4).

Claim 98, differs from claims 85 and 96 in that “each of specified plurality of images showing textual information and at least a plurality of said images showing non-textual information, said textual information representative of contents of a book, displaying said images responsive to said requests, and wherein each of said images a graded resolution, which provides readable resolution for readable pads and a different resolution for non-readable parts” which read on Robertson; see col. 8, lines 3-59.

As claims 100-104 are analyzed as previously discussed with respected to claims 96-98 above.

Claim 105, differs from claims 85, 96 and 98 in that “requesting a page of a book on a client of the Internet; determining, in a server of the Internet, if more than a specified number of pages of said book have been requested by a specified user; and sending said page only if the specified number of pages does not exceed a threshold” which read on Danneels; see col. 5, lines 1-22).

As claims 106-107, 116-19 and 121-124 are analyzed as previously discussed with respect to claims 85-105 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Cao' followed by a stylized flourish.

Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

10/27/04